Ontario

Ministry of
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news release

RIGHT TO FARM COMMITTEE RECOMMENDS LEGISLATION TO PROTECT FARMERS

For release: August 13, 1986

TORONTO -- The Right to Farm Advisory Committee report released by Ontario Agriculture Minister Jack Riddell today calls for new legislation to protect farmers carrying on normal farming practices from nuisance actions by neighboring property owners.

"The new legislation, as recommended by the committee would address a number of key issues," said committee chairman Donald Dunn.

"It would protect farmers from nuisance actions under common law provided they were using normal farming practices. It would require permit criteria for future farm-related severances, and for the construction of new livestock facilities and residences in agricultural areas. Minimum separation distances would be used as one of the criteria for a permit."

Members of the minister's advisory committee were Otto Crone, Hagersville; Barnie Evans, Embro; Ralph Ferguson, Watford; Dorothy Middleton, Chrysler; Earl Muir, Niagara-on-the-Lake; and chairman Donald Dunn, director of the ministry's foodland preservation branch.

The report was based on extensive public consultation. The committee held eight public hearings, received more than 230 submissions, held an inter-provincial seminar and conducted a survey in the ministry's newspaper OMAF News. The committee reviewed 38 provincial acts which directly or indirectly have a bearing on the right to farm issue.

Riddell said he was pleased with the committee's report and would give serious consideration to the committee's recommendations for legislation in conjunction with any revisions to the Foodland Preservation Policy Statement.

"The next step is for ministry staff to discuss the report recommendations with other government ministries and with agricultural and municipal organizations," said Riddell.

"One of my major concerns is the dramatic increase in the number of farm-related severance applications."

Riddell said he is anxious to put policies in place to address the severance situation and the farmers' right to farm.

Copies of the committee report are being sent to farm organizations, and municipalities. Copies will be available at local offices of the Ministry of Agriculture and Food and from Susan Ksiezpololski, Foodland Preservation Branch, Ministry of Agriculture and Food, Queen's Park, Toronto, Ontario M7A 2B2 (416)965-9433.

-30-

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Ontario

Ministry of
Agriculture
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416/965

Legislative Buildings
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Toronto, Ontario

July 10, 1986

The Honourable Jack Riddell
Minister of Agriculture & Food
Ontario Ministry of Agriculture & Food
Queen's Park
TORONTO, Ontario
M7A 2B2

Dear Mr. Minister:

It is with pleasure that we present to you this Ontario Right to Farm Advisory Committee Report. In accordance with our Committee's mandate, we hope this report will provide you with policy options for ensuring that Ontario farm operations have adequate protection from incompatible land uses and complaints against normal farm practices.

Since your announced appointment of this Committee on February 4, 1986, we have endeavoured to carry out our terms of reference in keeping with a final report deadline of June 30, 1986. We placed a high priority on public consultation in carrying out our mandate and received valuable input from the farm community and general public. We extend appreciation to all those who took the time to make personal or written presentations to the Committee.

We especially want to acknowledge the valuable contribution Sue Robinson has made as secretary to the Committee and thank Susan Singh for serving as secretary during the final few weeks of our task.

The report is a consensus of views of the members. The text of the report was drafted by Barnie Evans and the Committee is grateful to him for undertaking this Task.

We did not have sufficient time to fully address all aspects of our terms of reference and deal with specific details related to our recommendations. Should you find it appropriate and necessary, we would be pleased to offer further assistance in this regard.

We have enjoyed the challenging opportunity offered to us in serving on this Committee. Our findings and recommendations are respectfully submitted for your consideration.

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- Jim Arnold, Soil & Water Management Branch
- Susan Singh, Foodland Preservation Branch
- Neil Smith, Foodland Preservation Branch
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- Dr. George Harapa, Livestock Medicine Advisory Committee
- Dr. Jim Pettit, Animal Industry Branch

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- Stephen Fram, Policy Development Division

Ministry of the Environment

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- Jim Clifford, Ontario Farm Pollution Advisory Committee
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- Peter Burns, Local Government Organizations Branch
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- Doug McLaren, Crop Science Department

The Committee wishes to acknowledge the input of the following Executives of the Ontario Federation of Agriculture: Harry Pelissero, Jr., Bridge Pyke, Jack Wilkinson, Lynn Girty, Doug Avery, Roger George, Bill Benson and Dale Ferns (staff).

The Committee also expresses a special thanks to the following staff of the Foodland Preservation Branch for the many support services provided; Lina Cosme, Almas Esmail, Jackie McCann, Susan Ksiezopolski, Heather Robinson, Charlotte O'Hara, Merle Williams and the Branch's land use specialists.

EXECUTIVE SUMMARY

It is vital that we maintain our agricultural land base and production. Farming and the production of livestock should be left unimpeded in designated rural areas when carried out under normal farming practices.

In studying the matter of Right to Farm, the Advisory Committee undertook the following:

- reviewed existing legislation affecting farm practices
- undertook a survey of farmers through O.M.A.F. News
- set up public hearings in eight centres across Ontario
- received numerous written submissions
- convened an inter-provincial conference

The major issues raised by these sources include the following;

- Nuisance
- Normal Farm Practice
- Severances
- Minimum Separation Distance
- Legislation Relating to Right to Farm
- Enforcement of the Criminal Code
- Notification of Sales in Agricultural Areas
- Record of Complaints
- Comprehensive Farmland Protection Policy
- Farm Pollution Advisory Committee
- Ministry of Agriculture & Food as Lead Agency

Following is a summary of the Committee's recommendations as presented on Pages 22 to 35.

Recommendations 1 to 4 to be implemented under new legislation,

1. Legislation to prohibit nuisance actions where there is normal farming practice.

2. Permits required for severances, new or expanding livestock facilities, and new residences in agricultural areas.

   Recommend allowing 3 types of severances under criteria to be developed:
   - legal reason that does not create a separate lot
   - division of a large farm parcel
   - residential lot for a retiring commercial farmer

3. Use of minimum separation distances as a criteria to be met for permits.

4. Establishment of a Farm Practice Protection Board to hear appeals on farm practice complaints and denial of permits.

5. Better record of farm practice complaints

6. Review of legislation, public information on legislation, and more equitable enforcement of legislation.

7. Notice of agricultural activities as condition of sale.

8. Ongoing consultation on land use and right to farm issues with concerned organizations and parties.

9. Upgrading C.L.I. maps.

10. Study feasibility of voluntary agricultural preserves.

11. Examine potential of land trusts.

1. INTRODUCTION

On February 4, 1986, the Honourable Jack Riddell, Minister of Agriculture and Food, announced the appointment of a Right to Farm Advisory Committee to advise him on policy options for ensuring that Ontario farm operations have adequate protection from incompatible land uses and complaints against normal farm practices. (Refer to Appendix I) The Committee was requested to submit to the Minister a report on its findings and recommendations by June 30, 1986.

2. TERMS OF REFERENCE

- to determine the type, cause and extent of problems adversely affecting farmers from carrying on normal farm practices.

- to assess the effectiveness of current policies and legislation pertaining to land use planning and farm practices

- to determine whether the proposed Foodland Preservation Policy and revised Code of Practice provide adequate land use planning protection for farm operations

- to review the role of the Ontario Farm Pollution Advisory Committee in resolving complaints against farm operations

- to evaluate the effectiveness of farmland and farm operation protection policies in other jurisdictions

- to recommend appropriate policy options for protecting Ontario farm operations from non-compatible land uses and complaints against normal farm practices.

3. PREAMBLE

In reaching decisions for the immediate and the future of Agriculture in Ontario, we may well reach back in the past.

Sir Winston Churchill said "We cannot undo the past but we must pass it in review and learn from it such lessons as may be applicable to the future".

If we are to save and conserve our land heritage and national well being and the physical body of soil resources in this Province and Country, then the responsibility falls to the Province, the Nation and Society as a whole. Maintaining the fertility of the soil falls properly to the farmer himself. If the soil as a resource is destroyed, then our future security is in danger and we condemn future generations to the unnecessary dangers of deficiencies of food and water supply.

So vast and vital is the saving of our prime land from further damage and depletion, that the full co-operation of individual farmers with the economic, technical and spirited leadership of Government and society as a whole, is not only desirable but of absolute necessity if we are to succeed.

Over the past 3000 years we have seen the destruction of hundreds of millions of acres of once good, fertile and productive farm land in China, Korea, North Africa and the Middle East, and, at present, to a lesser extent, in North America. The dust bowl of the 30's and the loss of tonnes of topsoil per year is evidence enough.

Civilization has been destroyed by man's greed and improper practices and acts of war - what has rightly been called suicidal agriculture.

The change from a predominantly rural life in Ontario to an industrial urban life has come about through the development of modern technology. The industrial revolution changed our lifestyles forever. Technology and improved husbandry in farming brought about such increases in food production with increasing surpluses, that agricultural labour shifted to the cities and towns. Farmers went from producing enough food for themselves and four others at the turn of the century to today where they feed 90 people.

It is interesting to note that in many cases the rural people took their livestock with them to the cities. Legislation was quickly enacted to prevent livestock from being maintained in urban centres. There is a strong case for reverse procedures. Farming and the production of livestock should be left unimpeded in the designated rural areas when carried out under Normal Farming Practices.

In the last 90 years the urban population of Ontario has changed in that 82% of the population now live in urban areas. The farming population has gone from 61% to only 4%, while the rural non-farm population has risen from zero to 14% (Appendix 2). It is this latter shift which is affecting, to a major degree, the Right to Farm issue.

As we witness this change in the overall face of the Province, we see corresponding great changes in the rural communities.

The closing of one room schools (with the practice of pupils walking to school) has brought about the centralization of the education system. Now children are bussed to these multiroomed schools and even into the larger cities, and are less available on the farm or in the local community for chores and other activities.

We have seen the closing of schools and churches and of small communities, in what were once considered thriving centres. The building of roads and modern transportation and the creation of dormitory villages has changed lifestyles through a process of natural evolution. The amalgamation of townships to a larger jurisdiction, with increasing costs to provide municipal and community services, has not always been for the benefit of the farmer. It has encouraged, increasingly, operating overheads only paid for by taxation, and the movement of numbers of urban people to the rural centres and daily commuting to town. The farmer in many cases has the unenviable task of either paying competing city wages or going without supporting labour on his operation.

We believe that our function now, for reasons previously mentioned, is to preserve our highly productive land base. This must be free of incumbrances, for future generations and independent of the present economic recession.

It must be the role of Government and society as a whole to segregate the economic problems, and solutions must be found, so that the right judgement can be made for future generations in determining the ongoing production of food and the financial well being of the producers.

The maintenance of Ontario's food production capability is vital, especially the preservation of prime agricultural land. The input cost for producing the same crop yield on Class 4 land is double that for Class 1 land.

The workforce in Ontario is dependent on a viable Agriculture. The expanse of the food chain, the production of steel, rubber, fuel, fertilizers, seeds, pesticides and so forth amounting to 25% of the total workforce is tied into Agriculture.

The greatest diversity of food production in the Nation is here in Ontario, providing the enormous variety of foods demanded by modern society. Over 30% of the population of Canada resides here in Ontario and we must maintain our land base and production. Ontario's agricultural industry provides a safety valve in the pricing of food for the people of Ontario. Without it, Ontario residents would be dependent upon and at the mercy of importers. Furthermore, every 1 billion dollars of imported food results in the loss of 100,000 jobs.

Assuming it takes 1 acre of land to feed one person in Ontario and with a population of 9,000,000 we have only just enough prime agricultural land to be self sufficient under the present methods of production. The loss of 18,000 acres around Metro Toronto in the five years from 1976 to 1981, most of it Class 1 land, would indicate that we are approaching a crisis in self sufficiency if farm land continues to be lost at the same rate. Of the land in Canada only 0.5% is Class 1 and 50% of this Class 1 land is in Ontario.

These demands and often the whims and fancies of society have brought about fundamental changes in the lifestyle and basic pattern of the farmer's operation, well beyond the normal and ongoing economic and technological progress.

This necessity for change and the pressures from society are putting increasing demands on the farmers' way of life. The effect of special interest groups in society is already here. Witness the campaigns against smoking and the production of tobacco, the animal welfarist movement in Europe now spreading to North America. Even closer to home, the court actions against farmers over noise and odours have produced rulings against the farmer which have gone so far as effectively terminating his occupation in the production of food.

Farmers have been charged with the misuse of firearms when making a citizen's arrest against the backdrop of preventing trespass, vandalism and pilfering.

It was within this background and context that we approached the Minister's request to review and seek out solutions to the Right to Farm.

As we reflect on past histories of Agriculture and the effects of indifference to the problems of agriculture by society and adverse effects on civilization, we see the situation as it is today and draw on the past in endeavouring to find solutions to the future.

We have listened to the many views of the people occupied in the production of food, their organizations, municipal officials and interested individuals. We have held much discussion amongst ourselves as members of the Minister's Advisory Committee. With this mass of background information we will make suggestions as to the protection to the Right to Farm in this Province. We hope that the producers of food will be able to go about their business in a proper and meaningful way using normal farming practices. They must be unimpeded by conflicting land uses, harassment and frivolous lawsuits.

In reviewing farm and farmland operation protection policies in other jurisdictions, it was a disappointment that in the four months the working schedule did not allow a more thorough examination of policies either in the U.S.A. or Europe. An overview of U.S. legislation is contained in Appendix 7.

Suffice to say that it is common knowledge that in Europe the attitude of governments is to uphold agriculture in the highest regard; the land must be maintained in a highly productive state and agriculture must be an economic and viable industry. The dependence on imported food prior to World War II and the subsequent need to be as self-supporting as possible, made it a necessity that would be more than a politician's or society's life was worth to once more neglect this vital industry.

Perhaps we in Canada are not yet at this crisis point but we should be neglectful if we did not review pertinent information. At the United Nations Conference held in mid June, 1986, on the impending world climate change, renowned scientists predicted that some of the world's best farmland would be turning into desert, causing the worst famine in human history. The theory is the "Greenhouse Effect" and "Man is irreversibly altering the ability of our atmosphere to perform life supporting functions". By the year 2050 Canada's prime farmland would become drier, as the temperature rises by 4.7 degrees C. This would result in spring wheat yields falling by 16-26% by as early as the next century, just 20 years away.

By being mindful of what could happen here in Ontario and the rest of Canada, we must instill, not only in the farming community, but in the rest of the country's society, the will to protect and maintain our most highly productive farmland.

In our opinion, the will of farmers, governments, municipalities and society in general, will have to be consolidated as one purpose for the common good. We Ontarians, will have to realize that as individuals, we will have to put on one side personal gain or ambition if it is for the overall advance of the future of the Province. The enactment of legislation mandating a Board to arbitrate on matters of conflict would go a long way in annulling one's fear of favouritism or injustice.

To quote an editorial in The Globe and Mail of July 20, 1985, "What Ontario needs is legislation which will classify and protect the best farmland from rezoning and break the speculative pressure which builds up when restraints are believed to be only temporary".

The right to farm issue has been discussed and reviewed over several years. The various pieces of Provincial legislation, some going back as far as 1976, as in the case of Manitoba, or the Newfoundland act respecting disposal of waste material in 1973, although not dealing with the specific Right to Farm, would indicate that modern society was aware that there could be problems in the future. Then the Quebec Bill #90 in 1978 indicated that there could be problems relating to the Right to Farm and that the problems could be explicitly tied in with land use policies and the development and change in agricultural practices and the use of land for farming or urban development.

It was, therefore, the first priority of the Advisory Committee to seek the latest background information.

4. RESEARCH AND PUBLIC CONSULTATION

4.1 Existing Legislation

It is surprising to learn that there are about 38 acts or pieces of legislation which in some measure or degree affect agricultural land use planning, farm practices, protection of farm property, use of farm vehicles or crops and livestock production. A list of the acts and a summary of their provisions are outlined in Appendix 3.

4.2 Survey

Whilst the Committee was familiarizing itself with these pieces of legislation, the staff of the Foodland Preservation Branch prepared a questionnaire for inclusion in the March issue of the OMAF News. The questionnaire was so worded that the feed back information would indicate the number and types of complaints against the farmer and if the farmer had had cause to complain about problems from neighbouring land uses, or if the farmer was victimized by vandalism to either his buildings, fences or livestock and the approximate financial cost of this vandalism. Over 220 replies were received to this questionnaire the results of which are reviewed in Appendix 4.

The major complaints that farmers reported they encountered in decreasing order of frequency, were moving machinery on highways, manure spreading and noise from farm machinery.

The major problems that farmers reported they encountered because of neighbouring land uses, in decreasing order of frequency, were fence maintenance, dogs and weed control.

With respect to loss or damage, 35% reported loss or damage to crops, 18% to livestock and 15% to buildings or facilities. Losses as high as $10,000 were reported by some farmers. If this sample is indicative of the losses experienced by farmers then hundreds of thousands of dollars are being lost by theft, vandalism and pilfering.

In the concluding section on comments, the most common complaints were:

- Trespass; the use of farmland for recreation by hunters, snowmobilers and dirt bikers.

- Inequity; farmland does not have the priority for protection from conflicting land uses that an industrial or commercial area has.

- Severances; there were three quite different opinions expressed. Some respondents advocated the right to a severance with education of the ex-urbanite and a clause in the deed dealing with farm practices as suggestions for dealing with the nuisance problem. Other respondents wanted tougher regulation of severances, or an outright ban.

4.3 Public Hearings

During the month of April the Advisory Committee travelled across the Province to hear briefs or presentations and be involved in question and answer sessions. Hearings were held in Alfred, Ancaster, Bowmanville, Chatham, Fergus, Kemptville, St. Thomas and Toronto and a hearing was planned for New Liskeard. The New Liskeard briefs were eventually presented at the Toronto hearings. In all 102 briefs were received and are listed in Appendix 5.

4.4 Written Submissions

In addition, the Committee received over 130 written submissions from concerned individuals and groups as noted in Appendix 6.

4.5 Inter-Provincial Conference

Finally, as previously mentioned we hosted an Inter-provincial conference in Toronto on May 26, 1986 whereby we were able to exchange information and ideas as to how Right to Farm legislation could be enacted in Ontario or in other Provinces.

At the inter-provincial meeting, it was interesting to review what action other Provinces had taken or were contemplating. None so far had reached an all encompassing bill as the Quebec Bill 90 of 1978, an Act to Preserve Agricultural Land. The legislation is a reflection of the great will of the Quebec Government and Quebec people to protect their agricultural land resources and to make certain their continuing development.

The Quebec legislation is the extreme to which a Province needs to go to protect its Agricultural future. Recent legislation in other Provinces was reviewed and considered to be too lax to achieve the goals of the Advisory Committee. What is needed in this context is to deal with the common law of nuisance, which might impinge on the farmer's Right to Farm, and also to deal with the future methods for the severing of agricultural land.

4.6 Observations

In compiling the results of all these briefs, letters, questionnaires and conferences there were some common threads, but overriding all issues is the problem of the financial crisis on the farm. Many presentations indicated that if the financial and economic problems were solved there would not be such an overwhelming desire to allow farm-related severances.

It is unfortunate that the present economic recession is used as a motive for the granting of severances. A short term gain is not really going to do anything in preserving our prime agricultural land.

As the Committee moved into Eastern Ontario, the difference in the social and economic structures and the need to recognize regional differences were emphasized when considering the Right to Farm recommendations.

Although there are regional differences in climate, topography and densities of population, care must be exercised that one area or region is not granted unfair advantages over other areas. It is an undeniable fact that there is a greater ratio of less productive land versus prime agricultural land in eastern and northern Ontario than in central and southern Ontario. If the future urban and industrial development was to take place in the east and north then the economic spin off may well help the economic disparity that now exists. The demand for fresh or perishable food production is primarily centred in the golden horseshoe and westwards to Windsor. The attempts, for example, to develop market garden crops using the surplus heat of the Bruce generating stations has been developing slower than anticipated.

However, there is a wide expectation that Government should implement some form of Right to Farm legislation right across the Province, even if, in many cases people could not be specific as to what the basic legislation should be or the details of what it should accomplish. There was in some measure, a rather hazy interpretation of what was involved in the terminology "Right to Farm".

Some presenters were not happy with the present provisions under the Environmental Protection Act where all matters of farm pollution were dealt with by a Ministry other than Agriculture.

There was strong feeling that matters on farm practice complaints and interferences be put in the hands of the Ministry of Agriculture and Food wherever possible. Farmers feel that they are vulnerable not only from urban/rural complainants but also from other policy interests of other Ministries (Environment; Municipal Affairs; Natural Resources).

Even in the Courts individuals felt some judgements to be completely biased against the farmer. For example, a presenter at one hearing outlined how an urbanite was acquitted by a jury when he had been caught with apples picked at night without permission and there was evidence he had sold other apples he had stolen. The grounds for acquittal were that the accused had thought he was on a farm where he could pick apples. This is contrasted to jail sentences of three weeks for shoplifters taking a few dollars worth of groceries.

The case in New Brunswick of 22 individuals versus a pork producer in which the farmer was ordered to pay $33,875 in legal costs and damages is further evidence of the lack of support in the courts for farmers. This is compared against a large food processor which received a token fine of $6.00 for 6 counts of polluting a stream.

In addition, we identified about 38 Acts or pieces of legislation, some of which could be used either for the benefit of the individual farmer or for the benefit of society. In many cases such information was unfamiliar to farmers and the general public.

It is encouraging that urban associations such as the University Women's Club of Hamilton endorse the basic principles of the Policy Statement of Foodland Preservation. It is also encouraging that some Counties which are predominately Agricultural in scope already have in place good planning policies to preserve prime agricultural land and protect farmers from incompatible land uses.

The basic principle is to preserve prime agricultural lands for farming and encourage marginal land for industrial, commercial, institutional and residential uses. It is most important to establish and enforce economic and social policies that will preserve our food production industry and enable farmers to continue viable operations so essential to the production of food and the maintenance of food industry related employment in the Province.

There is no doubt in the minds of some planners, farm organizations and individuals that the proposed Foodland Preservation Policy Statement overlaps the mandate and deliberations of the Right to Farm Advisory Committee. Probably the chief criticism is that the Foodland Preservation policy and its recommendations are only guidelines dependant upon municipalities for adoption. Therefore, it seemed to be the will of these presenters that the Right to Farm Advisory Committee should bear down on the problems of such vital subjects as severance policy, common law of nuisance, responsibilities and awareness of the problems of living in rural areas and incompatibility of neighbouring land uses and make definite recommendations to the Ministers.

Highlights from the public input included the following:

- Many people questioned if you could define normal farm practices. A recurring theme that was constantly brought to our attention was that before we could make recommendations on the "Right to Farm" we first had to define a farmer and normal farming practices.

- There was a consensus among presenters that any protection granted to the farmer through Right to Farm legislation should not give farmers the right to "Abuse" these privileges.

- It was the feeling that guidelines or criteria should be developed that would give direction to a review board and to any party considering action against a farmer in common law of nuisance, and to any defendant.

- The policy statement on Foodland Preservation sets out minimum separation distance criteria in the building of new livestock or storage facilities or expansion of existing buildings. It was considered that it would be a necessity for the farmer and to his own advantage that he always obtained a certificate of compliance.

5. ISSUES

5.1 Nuisance

Complaints against farmers over odour, noise or dust come under the area of law termed "nuisance". Nuisance law requires a landowner to use his land without causing unreasonable interference with the rights of another. It deals with the harm caused by an action and not the conduct causing it.

Nuisance law comes under the common law, which is the rules and principles of law developed over the centuries by the courts, as opposed to by the legislature in statute. In Canada, common law rules and principles are as binding and authoritative as statutory law. However, they may be and often are modified by statutory enactments.

The Committee found that nuisance complaints were forthcoming not only from rural/urban dwellers but also in larger measure from neighbouring farmers. In fact, in a survey conducted in a limited area of Southwestern Ontario the percentage of the farmer to farmer complaints was greater than all the other complaints combined. It was accepted that usually in farmer to farmer complaints the problem could be solved through mediation or through the intervention of the Farm Pollution Advisory Committee. The rural

non-farm resident's complaint was much more likely to result in Court proceedings against the farmer and, therefore, this is the area where legislation was required to prevent such actions. It was also indicated that responsibility for resolving farm practice complaints be undertaken by the Ministry of Agriculture and Food.

5.2 Defining Normal Farm Practice

Defining normal farm practice is the key to action on Right to Farm. In describing Right to Farm the presenters were agreed on legislation and implementation to enable farmers to carry out normal farming practices without unnecessary hindrances from complaints or lawsuits.

5.3 Severances

It has clearly been shown in the past that the granting of severances for residential lots has contributed to nuisance complaints against farming operations, not only in Ontario but in other Provinces in Canada. The extreme was when a New Brunswick judge ruled that the use of farm land had been changed from strictly rural to rural urban and on these grounds ruled against the defending farmer, even though he had a "certificate of compliance" issued by the Department of Agriculture and had met all the requirements of the Department of the Environment.

There is no doubt that where there is a need for additional housing on a farm, the ideal route is not to allow provision for future severance, but to encourage the use of a second home, on the same property. We were told of abuses resulting in excessive severances and the creation of nuisance complaints. Therefore, in the future, it is essential that any policy on farm related severances be based on clearly defined criteria and strictly enforced. Intending purchasers of any rural lots should be made unequivocably aware of rural life in the written "condition of sale".

There seemed to be a desire, especially by some municipal councils, to maintain the rural base for economic survival. In order to survive, money in the form of taxation was required to carry on the day to day business of the townships and community life styles. For this to happen, it was repeatedly argued that there was a need to allow some severances to provide the financial where-with-all. Can our rural communities maintain their community centres, their churches, schools and tax base if their population is not stabilized? However, experience has shown that economic activity in rural communities shifts over time and once thriving rural communities can become extinct or depleted. What has been a loss in one area has been a gain in another. Should we, therefore, now perpetuate these communities at the expense of the production of food and the advancement of modern technology in the agricultural workplace.

Certainly many briefs were in favour of the total banning of severances on any farms. It is obvious that a house is the last crop that any piece of land will produce. The short term financial or convenience gain of a severed lot with a house on it has been shown by surveys to average only four years. Perhaps the sooner the real solutions to low economic returns are provided, and the farmer does not have to sell his farm to provide his pension and the sooner land values increase so that it is worth more to grow food than to put buildings on it, the better.

Other briefs centred their arguments for severances and farmer retirement lots on the fact that there are regional differences in the climate and the quality of the land. Some even felt that it was a right and not a privilege after specified years of farming to be automatically issued with a retirement lot.

In a very few cases pleas were made that severances be granted without any controls in order to provide increased taxes to maintain the village or hamlet as a viable entity.

Past abuse of severance policy or the lack of policy in some regions has failed to prevent strip development, multiple retirement lots, and the general haphazard nature of expropriating the prime agricultural land of the Province.

The point has now been reached where if we are ever to be self sufficient in food production then the exploitation of prime land has now got to be ended.

5.4 Minimum Separation Distances

If other land uses, including severances are to be permitted in agricultural areas then they must be located subject to minimum separation distances from livestock facilities in order to prevent future nuisance complaints.

The minimum separation distances as outlined in the proposed policy statement should be necessary for all future livestock buildings, storage facilities or additions to existing buildings and be necessary even in areas where there are no official planning policies.

5.5 Existing Legislation Relating to Right to Farm

As mentioned, the Committee has identified about 38 Acts which directly or indirectly pertain to right to farm. It appears that in many cases farmers and the general public are not aware of the provisions of this legislation. In many cases property owners are unaware of the details or specifics within these Acts.

It, therefore, seems desirable that an effort be made to compile and make readily available to the public simplified versions of this legislation.

5.6 Enforcement of the Criminal Code

The Committee found ever increasing acts of stealing, and vandalism and damage by trespass, hunters and recreational vehicles. The Committee was concerned about the apparent need for greater enforcement of the laws of trespass and vandalism. The Committee felt that there was a need to examine existing attitudes of law enforcement agencies and to update legislation where penalties under the legislation are outdated.

5.7 Notification on Sales in Agricultural Areas

Many presenters felt that a method of informing purchasers of land in agricultural areas of the activities normally associated with agriculture would reduce the likelihood of complaints. However, legal counsel advises that there are limitations to this procedure.

5.8 Record of Complaints

The Advisory Committee had difficulty in getting information on the nature and extent of nuisance complaints. Better records should be kept and forwarded to OMAF on the nature of the complaints against the farmer and if possible the degree and type of complaints by Region and County. Although, on the work so far carried out, it appears that there are more farmer to farmer complaints than any other category, the nature of the complaint may be of lesser degree and not warrant legal action. For example, problems of injury to livestock from dogs can usually be resolved through consultation with the owner of the offending dog or the total elimination of the problem. Weed control and abandoned orchards can also usually be mediated and resolved in an amicable manner.

5.9 Need for Comprehensive Farmland Protection Policy

Protection of the right to farm and the preservation of the Ontario land base can be greatly enhanced by the implementation of the Foodland Preservation Policy Statement so that all municipalities in the Province have regard to the policy statement in carrying out their planning functions.

5.10 Farm Pollution Advisory Committee

The Committee reviewed the role of the Farm Pollution Advisory Committee which reports to the Minister of the Environment. Since 1973 this small group of farmers has mediated about 100 nuisance disputes. Their experience has been very effective in providing an overview of farm practices. We would see that they could be even more effective reporting to the Minister of Agriculture as reflected in our recommendations.

5.11 Ministry of Agriculture and Food as Lead Agency

The Ministry of Agriculture and Food should be the prime Ministry in dealing with Agricultural problems. Although there is presently some overlapping with other Ministries it is hoped that in the future some jurisdictions could be transferred to the OMAF and there can be maintained the present spirit of co-operation.

6. RECOMMENDATIONS

The Consensus of the Advisory Committee was that as the findings and the report had to be completed within a relatively short period, the Minister was anxious to move rapidly to implement the recommendations of the Advisory Committee.

It was, therefore, felt that the proposed actions should be dealt with in three phases.

1. The first phase would identify the issues and suggest solutions that could be acted upon relatively quickly and by the Agricultural Ministry.

2. The second phase would deal with problems and solutions that would require more time and the cooperation of other ministries.

3. The third phase would deal with problems which were already in being or could arise in the foreseeable future. The long term solutions would be greatly dependent on more detailed information and statistics to make sure that the future decision making would be appropriate at that future moment. Too often in the past hasty decisions and developments, when implemented, have caused more problems than if they had not been enacted.

PHASE I

The Committee recommends that new legislation be enacted as soon as possible for the purpose of ensuring that farmers have protection against nuisance actions over normal farm practices, and a mechanism is implemented to ensure that the future granting of farm related severances and construction of livestock facilities and residences in agricultural areas does not create potential conflict with farm practices.

It is proposed that this legislation be called the Farm Practice Protection Act.

It is recommended that the following be provided for under this legislation.

1. Prohibit Nuisance Actions

Prohibit nuisance actions against farmers using normal farm practices. The Committee recommends that the following definition of Normal Farming Practice be used as guidelines.

a) Normal Farming Practices would be defined as farming practices that are generally accepted in the region or district of the Province.

b) The practice is necessary to the performance of effective managerial functions and/or the economic viability of the farming operation.

c) It is necessary to the successful production and marketing of agricultural crops, livestock, poultry and other agricultural or horticultural commodities, and their protection from infestations of weeds, diseases, pests, and marketing delays, unless acts of God.

d) It is necessary for the replenishing of soil nutrients and soil structure.

e) It is necessary for the storage, disposal or other use of livestock and organic wastes on farms.

f) It is necessary for the preservation or clearing of woodlands, alterations in vegetation, terracing or terrains, the installation of drainage or irrigation systems, or the implementation of new technology to improve or expand agricultural production.

g) It has historically been performed by Ontario farmers within the specific types of farming or horticultural operations within the Province.

2. Farm Practice Protection Permit

Require that a property owner obtain a "Farm Practice Protection Permit" as a prerequisite for;

a) applying for a farm-related severance

b) carrying out the construction of new or expansion of existing livestock facilities.

c) carrying out the construction of a residence in an agricultural area.

The Committee recommends that there is a need to restrict the kinds of farm related severances permitted on prime agricultural land in the future. While the ideal solution may be to restrict all farm-related severances, the Committee suggests that the following three types be allowed;

a) for a technical or legal reason that does not create a separate lot. These reasons include minor boundary adjustments, easements and rights of way

b) for the division of a large farm parcel where the two resulting parcels are sufficiently large to be independently viable agricultural units

c) for a residential lot for a commercial farmer who is retiring.

The Committee recommends that appropriate criteria be developed for determining the conditions under which the above types of severances should be permitted. Such criteria could be established by regulation under the Act.

The Committee feels that the following factors must be taken into consideration in developing criteria for severances; the particular region of the province, the surrounding land uses, the types of agriculture separation distances and the number of years farming to be eligible for a retirement lot.

The Committee supports the granting of severances on marginal agricultural land on the condition that roads and services are available, minimum separation distances are met and any existing agricultural operations are adequately protected.

3. Minimum Separation Distances

It is recommended that minimum separation distances be used as a standard criteria to be met in all future applications for a "Farm Practice Protection Permit". The Committee feels that the Minimum Separation Distance Tables in the proposed Foodland Policy Statement require further revisions and refinement. It is suggested that there be further consultation with the agricultural industry in arriving at acceptable separation distance standards.

4. Farm Practice Protection Board

It is recommended that an appeal tribunal be established under the legislation and it is proposed that it be called the "Farm Practice Protection Board".

The Functions of the Board would be to:

a) Hear appeals or referrals of complaints and disputes pertaining to farm practices. The Board would determine whether the complaint involves normal farm practices or is in violation of a statute. The Board could order corrective measures be taken towards mediating an acceptable solution of the complaint. The Board's decision could only be appealed to Divisional Court on matters of law.

Refer to Page 28, Farm Practice Complaint Procedures.

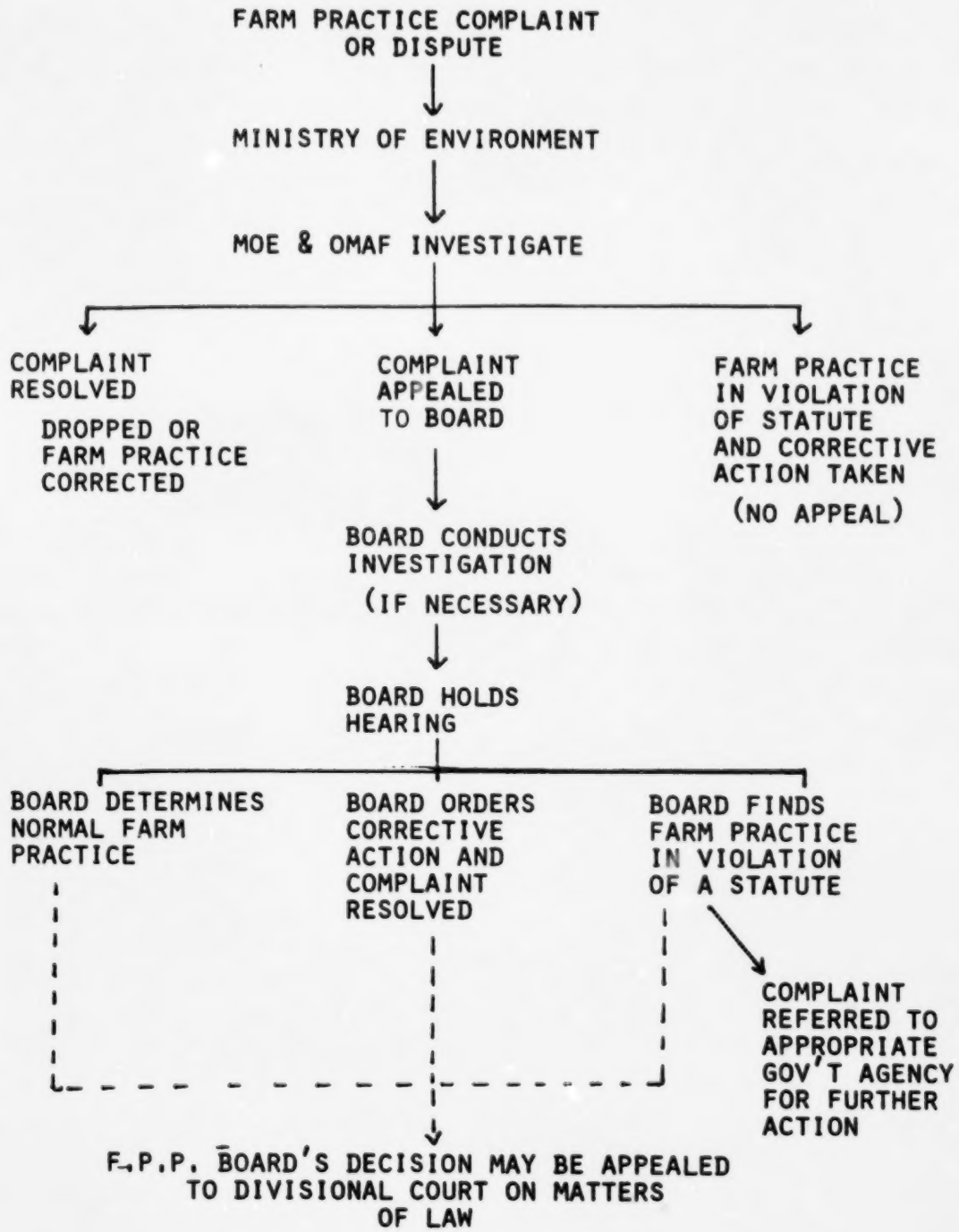
b) The Board would hear appeals on the denial of a Farm Practice Protection Permit. The Board could uphold denial of the permit or approve the granting of a permit because of extenuating circumstances or modifications to the application. The Board's decision could be appealed to the Divisonal Court on matters of law only.

Refer to Page 29, Application Procedures for a Farm Practice Protection Permit.

c) The Board would have an advisory function to the Minister of Agriculture and Food on such matters as;

- determining appropriate criteria for eligibility of Farm Practice Protection Permits

FARM PRACTICE COMPLAINT PROCEDURES UNDER A PROPOSED FARM PRACTICE PROTECTION ACT

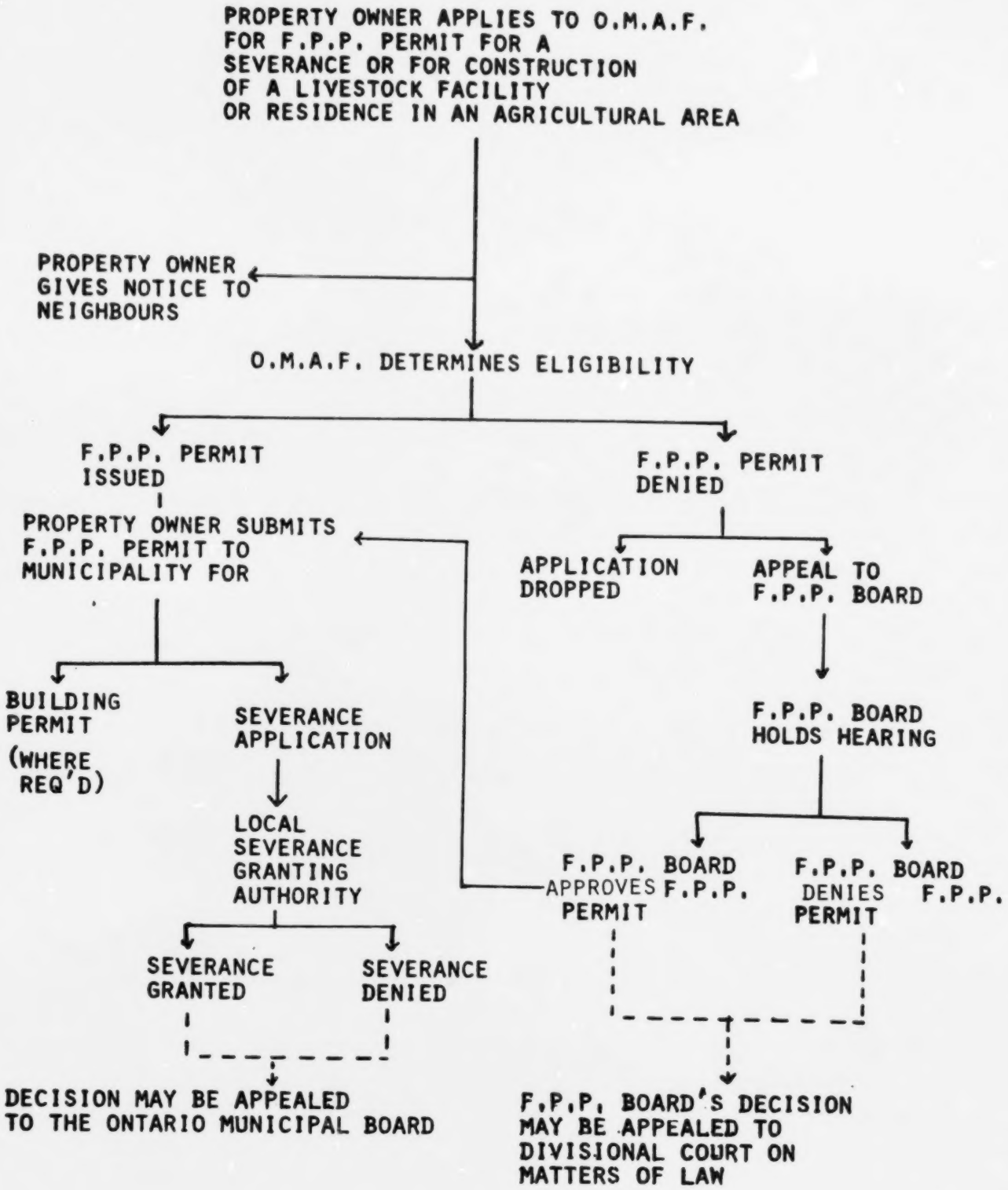

FARM PRACTICE COMPLAINT OR DISPUTE
MINISTRY OF ENVIRONMENT
MOE & OMAF INVESTIGATE
COMPLAINT RESOLVED
DROPPED OR FARM PRACTICE CORRECTED
COMPLAINT APPEALED TO BOARD
FARM PRACTICE IN VIOLATION OF STATUTE AND CORRECTIVE ACTION TAKEN
(NO APPEAL)
BOARD CONDUCTS INVESTIGATION
(IF NECESSARY)
BOARD HOLDS HEARING
BOARD DETERMINES NORMAL FARM PRACTICE
BOARD ORDERS CORRECTIVE ACTION AND COMPLAINT RESOLVED
BOARD FINDS FARM PRACTICE IN VIOLATION OF A STATUTE
COMPLAINT REFERRED TO APPROPRIATE GOV'T AGENCY FOR FURTHER ACTION
F.P.P. BOARD'S DECISION MAY BE APPEALED TO DIVISIONAL COURT ON MATTERS OF LAW

MOE - MINISTRY OF ENVIRONMENT

OMAF - MINISTRY OF AGRICULTURE & FOOD

FPP BOARD - FARM PRACTICE PROTECTION BOARD

APPLICATION PROCEDURES FOR FARM PRACTICE PROTECTION PERMITS UNDER A PROPOSED FARM PRACTICE PROTECTION ACT


PROPERTY OWNER APPLIES TO O.M.A.F. FOR F.P.P. PERMIT FOR A SEVERANCE OR FOR CONSTRUCTION OF A LIVESTOCK FACILITY OR RESIDENCE IN AN AGRICULTURAL AREA
PROPERTY OWNER GIVES NOTICE TO NEIGHBOURS
O.M.A.F. DETERMINES ELIGIBILITY
F.P.P. PERMIT ISSUED
F.P.P. PERMIT DENIED
PROPERTY OWNER SUBMITS F.P.P. PERMIT TO MUNICIPALITY FOR
APPLICATION DROPPED
APPEAL TO F.P.P. BOARD
BUILDING PERMIT (WHERE REQ'D)
SEVERANCE APPLICATION
F.P.P. BOARD HOLDS HEARING
LOCAL SEVERANCE GRANTING AUTHORITY
F.P.P. BOARD APPROVES F.P.P. PERMIT
F.P.P. BOARD DENIES F.P.P. PERMIT
SEVERANCE GRANTED
SEVERANCE DENIED
DECISION MAY BE APPEALED TO THE ONTARIO MUNICIPAL BOARD
F.P.P. BOARD'S DECISION MAY BE APPEALED TO DIVISIONAL COURT ON MATTERS OF LAW

O.M.A.F. - MINISTRY OF AGRICULTURE & FOOD
F.P.P. PERMIT - FARM PRACTICE PROTECTION PERMIT
F.P.P. BOARD - FARM PRACTICE PROTECTION BOARD

- developing appropriate guidelines for determining normal farm practices

- existing or proposed revisions to regulations under the Act

- the implications of other legislation and policies as they pertain to the intent and purpose of the Act

- the general operation and administration of the Board and necessary support services

d) The members of the Farm Practice Protection Board would be appointed by the Minister of Agriculture and Food and they would report to the Minister. It is proposed that the Board be composed of a Chairman, two Vice-chairmen and eight Regional Directors based on dividing the province into four regions and selecting two directors from each region. The majority of Board members would be primary producers knowledgeable in the affairs of agriculture and representing the spectrum of farm commodity interests.

It is suggested that the term of appointments for Board members should be staggered to maintain continuity of expertise and that the maximum length of service should be six years.

Remuneration of the Board members would be on a per diem basis plus expenses.

It is recommended that there also be authority under the legislation for the Minister of Agriculture and Food to appoint investigators who would carry out duties as assigned by the Board. It is suggested that one investigator may be sufficient for the initial stages of the Board's operation.

Resources would be required to provide the necessary support services to the Board.

It is suggested that the Board submit an annual written report to the Minister and that there be a memorandum of understanding between the Minister and the Board detailing terms of reference and protocol.

5. Better Record of Complaints

The Committee feels that there is an essential need for maintaining more complete records on all farm practice complaints and disputes in the future.

It is recommended that the Ministry of Agriculture and Food develop a standard record keeping system with the Ministry of the Environment on all farm practice complaints, disputes, violations of statutes and court cases. Such information should be summarized and made available to the proposed Board and general public.

PHASE II

The Advisory Committee felt that Phase II of their recommendations were perhaps no less important than Phase I but the implementation would take longer.

6. Legislation

a) Review for Comprehensive Policy

The Advisory Committee also recommends that the existing legislation be well scrutinized with the possibility of grouping some of the Acts together where possible and of simplifying some of them.

The Committee would like to see a review of the Environmental Protection Act to bring conformity to exempting all normal farming practices.

The Committee also recommended that there be a review of standard methods of compensation in all cases of farmland expropriation.

b) Lack of Awareness

The Advisory Committee recommends the development of educational material for farmers and other interested parties (e.g. Rural Real Estate Brokers) that would summarize, in simple language, the existing legislation that would be involved in the Right to Farm, the system of granting severances and a guide to normal farm practices.

Copies of existing legislation would be kept in all the County OMAF offices in the Province.

c) Lack of Enforcement

The Committee recommends that senior Ministry staff work with their counterparts in the Ministry of the Attorney General to update them on the impact of vandalism, theft and pilfering on a farm operation, and to explore ways of updating the court system to make the treatment of agricultural cases similar to other criminal cases.

7. Condition of Sale

In every offer to purchase property in rural agricultural areas there would be a notification in the "Condition of Sale" that the vendor forewarns the intending purchaser that the property lies in an agricultural area and to be aware of happenings in the area, namely odours, noises, heavy slow moving machinery, unintentional livestock break outs, use of pesticides, and certain legislation carrying owner responsibilities such as the Line Fences Act or Dog Licensing and Livestock and Poultry Protection Act, Weed Control Act and Abandoned Orchards Act.

The options for implementation include voluntary co-operation of real estate companies in their listing of properties or legislation.

PHASE III

Phase III of the Advisory Committee's recommendations would be undertaken further into the future and would be part of the longer plan to preserve prime Agricultural land.

8. Ongoing Consultation

Ongoing consultations with farm organizations, commodity groups and other organizations in society to develop a long term plan for the preservation of agricultural land.

There would be a long term plan concerning all severances and would entail working in close conjunction with the Ministry of Municipal Affairs and local municipalities.

9. Upgrading C.L.I. Maps

The Canada Land Inventory maps should continue to be updated to give more precise identification of the various classes or categories of land in the Province.

10. Agricultural Preserves

The Committee would like to propose that in order to protect and reserve the maximum amount of prime agricultural land that we study the feasibility of creating zones within the four regions of the province. These zones would be voluntary preserves which would be kept entirely within agricultural production (The only intrusion would be agricultural service industries).

The land so preserved would remain thus for a minimum of ten years and be granted special status to be worked out by the Board for consideration by the Minister.

This status could include advantages such as

- Lower interest rates on loans or interest reductions.

- Tax Rebates.

- Woodlot compensation.

- Grants for agricultural improvements acceptable to society for improved technology such as erosion control or new methods of pasture rehabilitation.

- Protective corridors against Hydro and pipelines and landfill sites. If these latter were impractical at least there would be extensive buffer zones.

11. Future Potential Programs

Examine the potential of establishing a land trust to facilitate the accumulation of unused farms and non-productive farms for purposes of reforestation, conservation and general stewardship of such land for future generations.

APPENDIX 1

APPOINTMENT OF RIGHT TO FARM ADVISORY COMMITTEE AND RELATED ANNOUNCEMENTS BY THE MINISTER

Ontario
Executive Council

Order in Council

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that

PURSUANT to section 5 of the Ministry of Agriculture and Food Act, a program to be known as the "Right-to-Farm Task Force Program" be established for the encouragement of agriculture and food, as follows:

RIGHT-TO-FARM TASK FORCE PROGRAM

1. In this program "Task Force" means the Right-to-Farm Task Force established under section 2.

2.-(1) There is hereby established a task force to be known as the Right-to-Farm Task Force which shall report to the Minister and shall consist of not more than six members.

(2) Members of the Task Force shall be appointed by the Minister who may designate one of them as chairman.

(3) Members of the Task Force who are not in the public service of Ontario may be paid the following remuneration, in addition to expenses, while engaged in the affairs of the Task Force:

Chairman	$159	per diem
Member	$113	per diem

(4) A majority of the members of the Task Force constitutes a quorum.

3.-(1) The principal object of the Task Force is to recommend to the Minister options for protecting Ontario farm operations from incompatible land uses and complaints against normal farm practices.

(2) For the purpose of carrying out its principal object, the Task Force has the following additional objects:

O.C. 2984/85

1. To determine the type, cause and extent of problems caused for farmers by the presence of non-agricultural land use in close proximity to farm operations. This may include complaints against normal farm practices or other types of conflict.

2. To assess the effectiveness of current policies and legislation pertaining to farm practices.

3. To determine whether the proposed Foodland Preservation Policy and revised Agricultural Code of Practice provide adequate land use planning to protect farm operations.

4. To review the role of the Ontario Farm Pollution Advisory Committee in resolving complaints against farm operations.

5. To evaluate the effectiveness of farm operation protection policies in other jurisdictions.

6. To perform such other duties as are referred to it by the Minister.

4. The funding for this program shall be from moneys allocated to the Ministry.

5. This program shall come into force on the 1st day of December, 1985, and shall terminate on the 31st day of December, 1986.

Recommended _____ Concurred _____
Minister of Agriculture and Food — Chairman

Approved and Ordered December 19,1985 _____
Date — Lieutenant Governor

STATEMENT IN THE LEGISLATURE

FOODLAND PRESERVATION AND

THE RIGHT TO FARM

TUESDAY, FEBRUARY 4, 1986

THE HONOURABLE JACK RIDDELL

MINISTER OF AGRICULTURE AND FOOD

MR. SPEAKER:

AS THE HONOURABLE MEMBERS KNOW, OUR PRIME FARMLAND IS ONE OF OUR MOST PRECIOUS NATURAL RESOURCES AND MUST BE PROTECTED FOR THIS GENERATION -- AND FOR FUTURE GENERATIONS.

WE ALL KNOW ABOUT THE DEVELOPMENT PRESSURES THAT THREATEN OUR VITAL LAND BASE -- URBAN EXPANSION, TRANSPORTATION OR UTILITY CORRIDORS, LANDFILL SITES, RESOURCE OR RECREATIONAL USES.

DURING THE PAST EIGHT YEARS, THE LAND USE PLANNING PRINCIPLES OF THE FOOD LAND GUIDELINES HAVE BEEN INCORPORATED INTO OFFICIAL PLANS BY MOST ONTARIO MUNICIPALITIES THAT HAVE AGRICULTURAL LAND.

TODAY, I AM ANNOUNCING A REVISION AND STRENGTHENING OF THESE FOOD LAND GUIDELINES BECAUSE -- QUITE FRANKLY -- WE DON'T FEEL THEY'RE TOUGH ENOUGH TO DO THE JOB.

IN ADDITION, THE LEGAL FRAMEWORK HAS CHANGED IN THE INTERVENING TIME, AS WELL.

THE NEW PLANNING ACT CALLS FOR ONTARIO TO SPELL OUT AREAS OF PROVINCIAL INTEREST IN PROVINCIAL POLICY STATEMENTS. MUNICIPALITIES AND OTHERS INVOLVED IN THE PLANNING PROCESS MUST TAKE THESE INTO ACCOUNT.

TODAY, MY COLLEAGUE, BERNARD GRANDMAITRE, MINISTER OF MUNICIPAL AFFAIRS AND I ARE RELEASING ONTARIO'S PROPOSED FOODLAND PRESERVATION POLICY STATEMENT.

WE'RE RELEASING THIS PROPOSAL FOR COMMENTS BY GOVERNMENT AGENCIES, MUNICIPALITIES, FOOD PRODUCERS, AGRICULTURAL ORGANIZATIONS, MEMBERS OF THE PUBLIC AND OTHER INTERESTED PARTIES.

WE DON'T WANT TO PUT THIS IN PLACE UNTIL THE PEOPLE -- WHO'LL BE AFFECTED BY IT -- HAVE A CHANCE TO RESPOND. WE'RE SETTING A DEADLINE OF APRIL 30, 1986, FOR THEIR COMMENTS.

I'D LIKE TO HIGHLIGHT FOR THE HONOURABLE MEMBERS A FEW OF THE IMPORTANT CHANGES PROPOSED IN THIS POLICY. THE FIRST CONCERNS URBAN EXPANSION.

UNDER THE CURRENT GUIDELINES, THERE ARE NO TIME LIMITS FOR JUSTIFYING THE AMOUNT OF PRIME AGRICULTURAL LAND REQUIRED FOR FUTURE URBAN EXPANSION. WE WANT TO CHANGE THIS.

OUR PROPOSED POLICY ESTABLISHES A MAXIMUM PLANNING PERIOD OF TEN YEARS FOR DETERMINING HOW MUCH LAND SHOULD BE SET ASIDE FOR PERCEIVED FUTURE DEVELOPMENT.

THERE ARE FAR TOO MANY EXAMPLES ACROSS THIS PROVINCE WHERE PRIME FARMLAND HAS BEEN DESIGNATED PREMATURELY. BECAUSE OF UNFORESEEN CIRCUMSTANCES, SOME OF THIS LAND IS NOW NOT REQUIRED FOR DEVELOPMENT FOR ANOTHER 30 YEARS — IF EVER.

UNDER THIS POLICY, MUNICIPALITIES WOULD NO LONGER BE ABLE TO TAKE LAND OUT OF AGRICULTURAL PRODUCTION, BASED ON 25-TO-30-YEAR PLANNING "GUESSTIMATES".

SECONDLY, THE POLICY HAS BEEN BROADENED SO THAT IT APPLIES TO ALL TYPES OF DEVELOPMENT ON PRIME AGRICULTURAL LAND — INCLUDING HYDRO CORRIDORS, PIPELINES AND HIGHWAYS.

THE NEED TO USE PRIME FARMLAND FOR THIS TYPE OF DEVELOPMENT MUST BE JUSTIFIED. AND, WHERE JUSTIFIED, SITING AND CONSTRUCTION MUST BE CARRIED OUT IN A MANNER THAT WILL MINIMIZE THE IMPACT ON THE LAND AND FARMING PRACTICES.

THE THIRD PROPOSED CHANGE CONCERNS SEVERANCES. EXPERIENCE HAS PROVEN THAT SEVERANCES — ORIGINALLY GRANTED TO RETIRING FARMERS, OR FOR HOUSING FOR FARM HELP, OR TO DEAL WITH SURPLUS DWELLINGS FROM FARM CONSOLIDATION — FREQUENTLY CHANGE OWNERSHIP AND BECOME NON-FARM RESIDENTIAL LOTS.

OFTEN PEOPLE FROM THE CITY BUY THESE COUNTRY LOTS AND MOVE IN UNPREPARED FOR THE SOUNDS AND SMELLS OF FARMING OPERATIONS NEXT DOOR.

COMPLAINTS ARISE FROM THE SMELL OF MANURE OR THE NOISE FROM FARM MACHINERY EARLY IN THE MORNING OR LATE AT NIGHT. FARMERS, ON THE OTHER HAND, COMPLAIN ABOUT TRESPASSING ON THEIR PROPERTY, DAMAGE TO MACHINERY AND CROPS, AND PILFERING.

FOR THESE REASONS, UNDER THE PROPOSED POLICY, THERE WOULD NO LONGER BE ANY SEVERANCES GRANTED FOR RETIREMENT OR FOR HOUSING FOR FARM HELP.

ACCOMMODATION FOR RETIRING FARMERS AND NEEDED FARM HELP CAN BE HANDLED IN BETTER WAYS THAN BY THE FRAGMENTATION OF OUR LAND RESOURCE.

IN CIRCULATING THIS PROPOSAL FOR COMMENT, WE ARE ALSO INCLUDING A DRAFT OF A NEW SET OF SEPARATION DISTANCES TO BE USED IN PLANNING NON-FARM LAND USES NEAR LIVESTOCK OPERATIONS.

IN EFFECT, THIS IS AN UPDATE OF THE TEN-YEAR-OLD AGRICULTURAL CODE OF PRACTICE. WHERE NON-FARM USES HAVE BEEN PERMITTED IN THE RURAL AREA, USING THE CODE HAS MINIMIZED CONFLICTS.

UNFORTUNATELY HOWEVER, PAST PLANNING MISTAKES HAVE CREATED MANY REAL AND POTENTIAL LAND USE CONFLICTS. THEY CAN INTERFERE WITH FARMERS GOING ABOUT THEIR NORMAL BUSINESS.

WE NEED A THOROUGH EXAMINATION OF THE WHOLE MATTER. FOR THIS REASON, I AM ALSO ANNOUNCING TODAY A SIX-MEMBER MINISTER'S ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS ON THE RIGHT TO FARM ISSUE.

THE LEGAL TERMS, "THE RIGHT TO FARM", USUALLY MEANS LAWS OR POLICIES TO ALLOW FARMERS TO CARRY ON NORMAL FARMING PRACTICES WITHOUT HARASSMENT FROM NEIGHBOURING LAND USES.

THE CHAIRMAN OF THE COMMITTEE IS DONALD DUNN, DIRECTOR OF MY MINISTRY'S FOODLAND PRESERVATION BRANCH.

THE OTHER MEMBERS ARE: DOROTHY MIDDLETON, A DAIRY FARMER FROM CRYSLER AND PRESIDENT OF WOMEN FOR THE SURVIVAL OF AGRICULTURE; EARLE MUIR, A FRUIT GROWER FROM NIAGARA-ON-THE-LAKE; BARNIE EVANS, A CATTLE BREEDER AND CONSULTANT FROM EMBRO; OTTO CRONE OF HAGERSVILLE, A PORK AND CASH CROP FARMER AND CHAIRMAN OF THE ONTARIO FARM POLLUTION ADVISORY COMMITTEE; AND, RALPH FERGUSON, OF WATFORD, A CASH CROP AND BEEF FARMER AND FORMER FEDERAL AGRICULTURE MINISTER.

THERE ARE A NUMBER OF QUESTIONS I WANT THEM TO ANSWER. WHAT IS THE TYPE, EXTENT AND SERIOUSNESS OF PROBLEMS WHICH ARE INTERFERING WITH NORMAL FARM PRACTICES? WILL OUR PROPOSED NEW POLICY STATEMENT GIVE FARMERS ADEQUATE PROTECTION IN LAND-USE PLANNING MATTERS? HOW EFFECTIVE ARE OTHER EXISTING POLICIES AND SHOULD THEY BE CHANGED?

WE ALSO WANT THE THIS GROUP TO EVALUATE THE EFFECTIVENESS OF FARM OPERATION PROTECTION PROGRAMS IN OTHER JURISDICTIONS AND EXAMINE THE TYPE OF RIGHT-TO-FARM PROTECTION REQUIRED BY FARMERS IN ONTARIO.

THE ONTARIO GOVERNMENT IS COMMITTED TO KEEPING A LAND AREA AVAILABLE FOR AGRICULTURE ON A LONG-TERM BASIS. AND WE ALSO WANT TO ENSURE THAT AGRICULTURAL ACTIVITY CAN TAKE PLACE, WITHIN THAT AREA, WITH A MINIMUM OF DISRUPTION FROM COMPETING OR INCOMPATIBLE LAND USES.

AND WE FEEL THE PROPOSED POLICY STATEMENT ON FOODLAND PRESERVATION AND THE RIGHT-TO-FARM STUDY ARE POSITIVE STEPS TOWARD ACHIEVING THESE GOALS.

END

Ontario

news release

Ministry of
Agriculture
and Food

RIGHT-TO-FARM
ADVISORY COMMITTEE
ESTABLISHED
For release: Feb. 4, 1986

TORONTO - The need for new measures to protect the right to farm in Ontario will be examined by a new advisory committee, Agriculture and Food Minister Jack Riddell said today.

The six-member committee will recommend options to protect Ontario farm operations from incompatible land uses and from complaints against normal farm practices, Riddell said.

"Some farmers may feel their rights to undertake normal farming practices have been constrained because of complaints from neighbors," he said.

"The committee will determine the cause and extent of the problems caused by non-agricultural land uses in close proximity to farm operations."

The committee is chaired by Don Dunn, director of the ministry's foodland preservation branch. Committee members are: Ralph Ferguson, RR 7, Watford; Earl Muir, RR 6, Niagara-on-the-Lake; Dorothy Middleton, RR 2, Crysler; Otto Crone, RR 4, Hagersville and Barnie Evans, Embro. Sue Robinson, of the ministry's foodland preservation branch, will serve as secretary to the committee.

Current legislation, policies and programs pertaining to farm practices will be assessed, while the task force will also evaluate the effectiveness of programs to protect farm operations in other jurisdictions.

A new Foodland Preservation Policy statement and a revised Agricultural Code of Practice have recently been released by the minister for public comment. The new committee has been asked to determine whether these proposed new policies will provide adequate land use planning measures to protect farmers.

The role of the Ontario Farm Pollution Advisory Committee in resolving complaints against farm operations will also be examined. The advisory committee, which reports to the minister of the environment, investigates unresolved complaints.

Riddell said the advisory committee on the right to farm will have four months to complete its investigation and submit its findings and recommendations.

Ref: Don Dunn
Tel: (416) 965-9433

-30-

APPENDIX 2

SELECTED AGRICULTURAL STATISTICS

ONTARIO FARM POPULATION AND PRODUCTION TRENDS

A. ONTARIO POPULATION DISTRIBUTION, 1891 TO 1981

	Total Ont Pop'n '000	Urban Pop'n '000	Urban Pop'n %	Rural Farm Population '000	Rural Farm Population %	Rural Non-farm Population '000	Rural Non-farm Population %
1891	2,114	819	38.7	*	-	*	-
1901	2,183	936	42.9	1,000	45.8	247	11.3
1921	2,934	1,707	58.2	950	32.4	277	9.4
1951	4,598	3,376	73.4	703	15.3	519	11.3
1961	6,236	4,824	77.4	524	8.4	888	14.2
1971	7,703	6,301	81.8	392	5.1	1,010	13.1
1981	8,625	7,047	81.7	341	4.0	1,237	14.3

(* - In 1891, the total rural population was 1,295,000 which represented 61.3% of the total population.)

B. TRENDS IN ONTARIO AGRICULTURE, 1891 TO 1981

	Number of Farms	Area of Farmland '000 acres	Average Farm Size acres	Area of Improved Farmland '000 acres
1891	285,600	21,092	73.9	14,158
1901	204,100	21,350	104.6	13,266
1921	198,100	22,629	114.2	13,169
1951	149,900	20,880	139.3	12,693
1961	121,300	18,579	153.2	12,033
1971	94,700	15,963	168.6	10,865
1981	82,400	14,923	181.1	11,166

	Farm Cash Receipts $ million	Average Cash Rec per Farm $	Capital Value $ million	Average Cap Val per Farm $'000
1891	n.a.	-	n.a.	-
1901	197	965	932	4.6
1921	482	2,433	1,689	8.5
1951	784	5,230	2,546	17.0
1961	872	7,189	3,745	30.9
1971	1,437	15,174	6,868	72.5
1981	4,922	59,733	31,286	379.7

C. OTHER SELECTED STATISTICS, ONTARIO AGRICULTURE, 1951 TO 1981

	CATTLE ON FARMS			DAIRY COWS		
	No of Head '000	Farms Rep	Avg per Farm	No of Head '000	Farms Rep	Avg per Farm
1951	2,466	120,899	20.4	922	106,687	8.6
1961	3,116	95,041	32.8	992	72,849	13.6
1971	3,082	64,295	47.9	755	35,053	21.5
1981	2,898	47,515	61.0	553	17,637	31.4

	HOGS ON FARMS			GRAIN CORN ON FARMS		
	No of Head '000	Farms Rep	Avg per Farm	Total Prod'n '000 t	Farms Rep	Avg per Farm tonnes
1951	1,776	93,564	19.0	400	19,421	20.6
1961	1,686	56,378	29.9	739	19,191	38.5
1971	2,362	30,626	77.1	2,599	24,040	108.1
1981	3,166	18,415	171.9	5,235	26,616	196.7

	CHICKENS ON FARMS			MILK PRODUCTION	
	No of Birds millions	Farms Rep	Avg per Farm	Total Prod'n million kl	Avg per Dairy Cow litres
1951	23.8	103,348	230	2.22	2,408
1961	24.7	60,342	409	2.76	2,782
1971	31.5	22,236	1,417	2.82	3,735
1981	33.9	20,675	1,640	2.49	4,503

n.a. - Not available.
Sources: Various Censuses of Canada, Agricultural Statistics for Ontario, and internal estimates.

Statistics and Surveys Section
Economics and Policy Coordination Branch
May 30, 1986

APPENDIX 3

LEGISLATION GOVERNING AGRICULTURAL LAND AND FARM PRACTICES

LEGISLATION GOVERNING AGRICULTURAL LAND AND FARM PRACTICES

I. LEGISLATION AFFECTING AGRICULTURAL LAND USE PLANNING

1. Planning Act

   - application of the Food Land Guidelines, Code of Practice, proposed Foodland Preservation Policy Statement and Minimum Separation Distance Tables to preserve prime agricultural land and ensure agricultural activity can occur with a minimum of disruption from competing or incompatible land uses

2. Environmental Assessment Act

   - application of Food Land Guidelines and proposed Foodland Preservation Policy Statement to minimize the impact of locating and constructing public facilities on prime agricultural land

3. Pits and Quarries Control Act

   - application of Food Land Guidelines and proposed Foodland Preservation Policy Statement to minimize the impact of aggregate extraction on prime agricultural land

4. National and Ontario Energy Board Acts

   - application of Food Land Guidelines and proposed Foodland Preservation Policy Statement to minimize the impact of pipeline construction on prime agricultural land

5. Expropriations Act

   - provides for measures to protect the interests of property owners affected by expropriation

II. LEGISLATION GOVERNING FARM PRACTICES TO PROTECT THE ENVIRONMENT AND PUBLIC SAFETY

6. Environmental Protection Act

   - provides for standards and controls on contaminants arising from farm practices

7. Municipal Act

   - enables municipalities to pass by-laws regulating farmland use and farm practices

8. Water Resources Act

   - provides for controls on farm practices to protect water resources

9. Pesticide Act

   - provides for control on farm use of pesticides

10. Health Protection and Promotion Act

- provides for controling farm practices and agricultural products when there is a risk of public health and safety

11. Occupation Health and Safety Act

- provides for measures to protect the health and safety of farm employees.

12. Dog Owners' Liability Act

- provides for the owner of a dog being liable for damages resulting from an attack by the dog on another person

III. LEGISLATION GOVERNING THE PROTECTION OF FARM PROPERTY

13. Criminal Code

- provides for legal measures to be taken against a person for theft, vandalism or other criminal acts

14. Trespass of Property

- provides for the restriction of persons to enter private property

15. Occupiers' Liability Act

- provides liability protection to the owners and occupiers of private property

16. Fish and Game Act

- provides for the licensing of persons who hunt and fish and establishes their responsibility to private landowners

IV. LEGISLATION GOVERNING THE USE OF FARM AND RECREATIONAL VEHICLES ON FARM PROPERTY

17. Highway Traffic Act

- provides for the permitted use and regulation of farm vehicles and farm machinery on highways

18. Motorized Snow Vehicles Act

- provides for the regulation of snowmobiles

19. Off-Road Vehicles Act

- provides for the regulation of off-road vehicles

V. LEGISLATION TO SUPPORT OR CONTROL LIVESTOCK PRODUCTION PRACTICES

20. Line Fences Act

- provides for property owners to share in the responsibility of constructing and maintaining line fences

21. Hunter Damage Compensation Act

- provides compensation to farmers for losses to livestock and equipment caused by hunters

22. Dog Licensing and Livestock and Poultry Protection Act

- enables municipalities to license dogs and provides for compensation to owners of livestock killed by dogs or wolves or apiaries destroyed by bears

23. Pounds Act

- provides for the impounding of livestock running at large on private property

24. Bull Owners' Liability Act

- provides for civil and quasi-criminal liability of persons who allow a bull to escape their property

25. Livestock Branding Act

- provides for the recording of livestock brands

26. Dead Animal Disposal Act

- provides for the regulation of the disposal of the carcasses of animals dying from reasons other than slaughter

27. Riding Horse Establishments Act

- provides for the regulation of riding horse establishments for purposes of animal care and public safety

28. Fur Farms Act

- provides for the regulation of fur farms to prevent diseases

29. Ontario Society for the Prevention of Cruelty to Animals Act

- provides for the prevention of cruelty to animals

30. Bees Act

- provides for the regulation of beekeepers to control apiary diseases and the location of beehives

VI. LEGISLATION TO SUPPORT OR CONTROL CROP PRODUCTION PRACTICES

31. Drainage Act

- provides for owners of agricultural land to have municipal drains constructed and maintained

32. Tile Drainage Act

- provides assistance to farmers to tile drain agricultural land

33. Agricultural Tile Drainage Installation Act

- provides for the regulation of tile drainage installation operators

34. Topsoil Preservation Act

- provides for municipalities to enact by-laws to control or prohibit the removal of topsoil

35. Weed Control Act

- provides for requiring landowners to destroy noxious weeds

36. Abandoned Orchards Act

- provides for requiring landowners to destroy abandoned orchards to prevent the spread of insects and diseases

37. Plant Diseases Act

- provides for the control or eradication of plant diseases

38. Seed Potatoes Act

- provides for the establishment of seed potato restricted areas to control diseases of seed potatoes

APPENDIX 4

RIGHT TO FARM SURVEY

SUMMARY OF RESULTS FROM RIGHT TO FARM SURVEY

PUBLISHED IN OMAF NEWS

Total Numbers of Responses - 222

	Total	Percent
1 Have you had complaints about any of the following?		
a) Manure storage	21	9.5
b) Manure spreading	50	22.5
c) Noise from farm machinery/equipment	39	17.6
d) Noise from production facilities	8	3.6
e) Application of pesticides	24	10.8
f) Application of herbicides/ commercial fertilizers	22	9.9
g) Movement of machinery on highways	53	23.8
Other -		
h) Odour	5	2.3
TOTAL	222	100.0%

2. Because of neighbouring land uses, have you had problems with any of the following?

a) Dust	16
b) Noise	26
c) Maintenance of fences	117
d) Weed control	78
e) Neglected orchards/vineyards	9
f) Dogs	113
g) Watertable levels	52
h) Water pollution	35
Other -	
i) Trespass	8
j) Garbage	8
k) Drainage (in ditches)	4
l) Odour	6
m) Salt from highway	2
n) Drift from aerial pesticide spraying	1

TOTAL 455 complaints reported by 222 surveys

3. Have neighbouring land uses or trespass resulted in losses or damage to any of the following?

a) Crops	78
b) Livestock	39
c) Buildings/facilities	33
Other -	
d) Fences	14
e) Machinery/equipment	5
f) Wood/bush	4
g) Gasoline	1
h) Pets shot	1

TOTAL 175 indicated losses or damage

4. What commodities do you produce?

Livestock	Total
a) Dairy	48
b) Lamb	21
c) Beef	57
d) Pork	30
e) Poultry	13
f) Goats	1
g) Mink	1
h) Horses	1
i) Rabbits	1
j) Bees	1
Crops	
a) Fruit	14
b) Vegetables	18
c) Nursey/greenhouse	1
d) Maple syrup	4
e) Corn	76
f) Grains	101
g) Soybeans	42
h) Pasture/hay	61

Note: Many of the 222 respondents produce more than one commodity

5. What land uses neighbour your farm operation?

a) Agricultural (includes livestock barn)	49
b) Rural residential	145
c) Recreational	49
d) Urban	18
e) Institutional	10

Right-to-farm advisory committee wants input

Here's an opportunity for every agricultural operator in the province to express their views on the right-to-farm issue.

The results of this survey will assist the Right-to-Farm Advisory Committee in determining the type, cause and extent of problems adversely affecting farmers from carrying on normal farm practices.

This information will also assist the committee in assessing the effectiveness of current policies and legislation pertaining to land use planning and farm practices.

Farmers are encouraged to take a few moments from their busy schedule and comment on this important issue. Letters providing additional details on your views on the right to farm issue are also welcome. Please complete the following survey and return to:

Right-to-Farm Survey,
Foodland Preservation Branch,
Ontario Ministry of Agriculture & Food,
Queen's Park,
TORONTO, Ont.
M7A 2B2

Have you had complaints about any of the following?

	Yes	No
Manure storage	___	___
Manure spreading	___	___
Noise from farm machinery/equipment	___	___
Noise from production facilities	___	___
Application of pesticides	___	___
Application of herbicides/commercial fertilizers	___	___
Movement of machinery on highways	___	___
Other, please specify	___	___

Because of neighboring land uses, have you had problems with any of the following?

	Yes	No
Dust	___	___
Noise	___	___
Maintenance of fences	___	___
Weed control	___	___
Neglected orchards/vineyards	___	___
Dogs	___	___
Watertable levels	___	___
Water pollution	___	___
Other, please specify	___	___

Have neighboring land uses or trespass resulted in losses or damages to any of the following:

	Yes	Estimated Cost	No
Crops	___	___	___
Livestock	___	___	___
Buildings/facilities	___	___	___
Other, please specify	___	___	___

What commodities do you produce? _____

What land uses neighor your farm operation?

Agricultural _____ Livestock barn _____
Rural residential _____ Institutional _____
Recreational _____ Other, please specify _____
Urban _____

Please indicate which municipality your property is located in _____

Do you have any further comments on this issue?

_____
_____
_____

APPENDIX 5

PUBLIC HEARINGS

RIGHT TO FARM ADVISORY COMMITTEE
PUBLIC HEARINGS

The following individuals and organizations made submissions to the Committee at the following 8 hearing locations.

*indicates person made an oral presentation
**indicates written brief delivered to Committee but not presented

CHATHAM, ONTARIO, MAY 12, 1986

1. Essex County Federation of Agriculture - Mr. D. Irwin
2. National Farmers Union (Local 355) - Mr. James Irwin*
3. Mr. Gerald Morden*
4. Ontario Soyabean Growers - Mr. John Davids
5. Kent County Federation of Agriculture - Mr. Jim Boak and Mr. Bill Weaver*
6. Kent County Pork Producers - Mr. Wayne Van Damme*
7. Mr. Donald McKerral*
8. Kent County Milk Producers - Mr. Brian Blonde*
9. Cedar Springs Cherry Growers Co-operative Limited - Mr. Russell Smith (President)**

ST. THOMAS, ONTARIO, APRIL 7, 1986

10. Elgin Federation of Agriculture - Ms. Linda Jenner
11. Mrs. Ellen Palmer
12. Mrs. Donna Spicer*
13. Enniskillen Township Council - Reeve, Mr. Larry O'Neil
14. Elgin County Pork Producers Association - Mr. Earl Morden
15. Essex County Pork Producers Association - Mr. Perry Pearce
16. Lambton County Egg Producers - Mr. John Janzen
17. Aldborough Township Council - Reeve, Mr. Dan Perovich
18. Warwick Township Council - Mr. Jack Macpherson
19. Mr. Peter Nippa
20. Mr. John Hauser*
21. Mr. Hugh Gubbles*
22. Mr. William Harvey
23. Norfolk Federation of Agriculture - Mr. Larry Partridge and Mr. Ron Judd

24. Mr. John Taylor*
25. Mr. Tom Warwick*
26. Oxford Federation of Agriculture - Mr. Dan Woolcott
27. Mr. John Hatch*
28. Mr. Jim McGuigan - M.P.P. Kent-Elgin*
29. Mr. Ross Woodhouse
30. Elgin County Corn Producers - Mr. Don Watterworth**
31. Elgin Fruit Growers Association - Mr. Michael Rokeby, Secretary**

FERGUS, ONTARIO, APRIL 8, 1986

32. Wellington County Planning Department - Mr. Gary Cousins
33. Mr. Rod Pinkney*
34. Mr. Bill Benson*
35. Mr. Emiry*
36. Wellington County Federation of Agriculture - Mr. George Stratchan
37. Peace Valley Ranch Ltd. - Mr. Carl Cosack
38. Mr. Tom Jackson
39. Mr. Jens Dam
40. Minto Township Council - Mr. Walter Quanz

ANCASTER, ONTARIO, APRIL 9, 1986

41. Niagara North Federation of Agriculture - Mr. Warren Wiley Mr. Ken Klunder and Mr. Harry Pelissero, Sr.
42. Residents of North Dumfries - Mr. Keith Murray and Mr. Bob Huntington
43. University Women's Club of Hamilton - Dr. Florence Irvine and Ms. Trudi Down
44. Mr. John Schouten
45. Mr. Bill Emmott*
46. Niagara South Federation of Agriculture - Mr. Russell Youngblut
47. Flamboro Residents Against Severance Planning Policies - Mrs. Ann Demeter
48. Haldimand Federation of Agriculture - Mr. Frank Sommers
49. Mrs. Sylvia Weaver
50. Mrs. Theresa Sarabura*

TORONTO, ONTARIO, APRIL 17, 1986

51. Ontario Federation of Agriculture - Mr. Harry Pelissero, Jr. and Members of the O.F.A. Executive
52. Mr. Charles Bates
53. Agricultural Committee of Artemesia Township - Mr. William Stevens
54. Esquesing Landowners Association - Mr. Rodney Pinkney*
55. Mr. Jack Parker
56. Mr. Paul Wright*
57. Mr. Peter Branch*
58. Ms. Carrie Kelso*
59. Timiskiming-Cochrane Federation of Agriculture - Mr. Gary Struthers
60. Ontario Tobacco Board - Mr. Ted Raytrowsky*
61. Township of Osgoode (Mayor) - Mr. Albert Bouwers*
62. Mr. David Ramsay, MPP Timiskaming - made presentation to Committee on April 28th.

BOWMANVILLE, ONTARIO, APRIL 15, 1986

63. Prince Edward Soil and Crop Improvement Association - Mr. Dean Foster and Mr. Maurice Pulver
64. Victoria County Pork Producers - Mr. Cameron Reed*
65. Mr. Henry Eikens
66. Christian Farmers Association (East-Central) - Mr. Brian Van Den Berg
67. Mr. Rob Nobbs
68. Victoria County Federation of Agriculture - Mr. Seldon Parker
69. Durham Federation of Agriculture - Mr. John Noble
70. Mr. Donald McDonald
71. Mr. Sheldon Ego*
72. Mr. Gerald Brown*

KEMPTVILLE, ONTARIO, APRIL 14, 1986

73. Mr. Noble Villineuve - MPP Stormont, Dundas and Glengarry
74. Mr. Richard Kenney*
75. Eastern Ontario Goat Federation - Ms. Sylvia Spasoff
76. Mrs. Catharine Whetter*
77. Mr. Basil Dawley*
78. United Counties of Stormont, Dundas and Glengarry - Mr. Brian Weir, County Planner
79. Kenyan Township - Mr. Wilford Valence, Reeve
80. Stormont Federation of Agriculture - Mr. David Whetter
81. Dundas County Federation of Agriculture - Mr. Gordon Garlough
82. Lanark Federation of Agriculture - Mr. Doug Leach*
83. Leeds County Federation of Agriculture - Mr. Doug Avery
84. Grenville County Federation of Agriculture - Mr. Dwayne McKinley
85. Ontario Institute of Agrologists Ottawa Valley Branch Land Use Committee - Mr. Keith Matthie
86. Mrs. Eda Van Der Linden*
87. Ottawa-Carleton Federation of Agriculture - Mr. Heuvel Mans*
88. Ontario Institute of Agrologists - Mr. Donald Good
89. Arnprior Federation of Agriculture - Mr. David Blair
90. Mr. Willard McWilliams*
91. Mountain Township Council - Mr. Ewart Sims
92. Drummond Township - Mr. J.W. McFarlane, Clark-Treasurer**

ALFRED, ONTARIO, APRIL 30, 1986

93. Russell County Federation of Agriculture - Mr. Rejean Pommanville*
94. Glengarry County Federation of Agriculture - Mrs. Lorraine Lapointe
95. Prescott County Federation of Agriculture - presented by Mrs. Marie-Rose Paquette
96. La Femme et la Gestion de la Femme - Mrs. Marie Rose Paquette
97. Mr. Alban Grenier*
98. Ferme Paquette Inc. - Mrs. Marie-Rose Paquette
99. Association des Fermieres de l'Ontario (Glengarry and Prescott) - Mrs. Lawrence Cardinal
100. Township of East Hawkesbury Council - presented by Mrs. Lawrence Cardinal
101. Emile Rouleau Ltee - Mr. Luc L. Rouleau, Vice President**
102. Genier Freres Limited - St. Isidore-De-Prescott**

Ontario

news release

Ministry of
Agriculture
and Food

RIGHT TO FARM HEARINGS
TO BEGIN APRIL 7

For release: March 10, 1986

TORONTO --The Ontario Right to Farm Advisory Committee is holding a series of public hearings across the province beginning in April.

"The purpose of the hearings is to give producers, farm organizations and other interested parties an opportunity to express their views on the right to farm," said advisory committee chairman Donald Dunn.

Agriculture and Food Minister Jack Riddell established the committee in February to look into the need for new measures to protect the right to farm.

Organizations and individuals who wish to present a submission to the committee should phone Sue Robinson at (416)965-9433.

Those unable to attend may write to the Right to Farm Advisory Committee, c/o Foodland Preservation Branch, Ontario Ministry of Agriculture and Food, Queen's Park, Toronto, Ontario M7A 2B2.

Hearings will being at 10 a.m. at the locations listed below.

Monday, April 7 - St. Thomas, Ontario Ministry of Agriculture and Food office, 594 Talbot St.

Tuesday, April 8 - Fergus, Ontario Ministry of Agriculture and Food office, Wellington Place.

Wednesday, April 9 - Ancaster, Ontario Ministry of Agriculture and Food office, Ancaster Fairgrounds.

Thursday, April 10 - New Liskeard, New Liskeard College of Agricultural Technology.

Monday, April 14 - Kemptville, Kemptville College of Agricultural Technology, W. B. George Building.

Tuesday, April 15 - Bowmanville, Ontario Ministry of Agriculture and Food, 234 King St. E.

Thursday, April 17 - Toronto, Ontario Ministry of Agriculture and Food, 801 Bay St. (5th Floor Boardroom)

The committee has been asked to recommend options for ensuring that farmers have adequate protection from incompatible land uses and complaints against normal farming practices. To make recommendations, the committee was asked to :

- examine the problems adversely affecting farmers from carrying on normal farm practices;

- evaluate current policies and legislation such as the Planning Act, the Environmental Protection Act, the Occupier's Liability Act, Abandoned Orchards Act, Weed Control Act, and Hunter Damage Compensation Act;

- determine the adequacy of the proposed Foodland Preservation Policy and the revised Code of Practice for protecting farm operations from incompatible land uses and complaints against normal farm practices;

- review the role of the Ontario Farm Pollution Advisory Committee in resolving complaints against farm operations; and

- evaluate the effectiveness of farmland and farm operation protection policies in other jurisdictions.

The committee report is to be completed and submitted to the Minister of Agriculture and Food by May 30, 1986.

The committee is chaired by Donald Dunn, director of the ministry's foodland preservation branch. Committee members are: former federal agriculture minister Ralph Ferguson, a cash crop, egg and beef producer from RR 7 Waterford; Dorothy Middleton, a dairy producer, Kemptville College course co-ordinator and president of Women for the Survival of Agriculture of RR 2 Crysler; pork and cash crop producer and chairman of the Ministry of Environment's Ontario Farm Pollution Advisory Committee Otto Crone, RR 4 Hagersville; Barnie Evans, cow-calf producer from Embro; and Earle Muir, a fruit grower and member of the Ontario Pesticide Advisory Committee from RR 6 Niagara-on-the-Lake.

-30-

Ref: Donald Dunn
Tel: (416)965-9433

Ontario

Ministry of
Agriculture
and Food

news release

For release: April 18, 1986

TORONTO -- The deadline for public comment on the proposed Foodland Preservation Policy Statement has been extended until June 30, 1986.

Municipal Affairs Minister Bernard Grandmaître and Agriculture and Food Minister Jack Riddell extended the deadline to give municipalities and organizations additional time to review the proposal.

"The purpose of releasing the policy statement for public comment is to give people a chance to express their views," Riddell said. "Some municipalities and organizations requested additional time to prepare comments so we are extending the deadline to ensure all interested parties have input on the on proposed policy."

He said he was also extending the deadline for the Right to Farm Advisory Committee recommendations to June 30. Written submissions to the committee must be forwarded to the committee by May 1. The committee was established to look at the right to farm issue and has been holding public hearings across the province.

"The proposed policy statement and right-to-farm issues are interrelated and I feel it appropriate to have the same deadline for comments," he said.

-30-

Ref: Donald Dunn
Tel: (416)965-9433

APPENDIX 6

WRITTEN SUBMISSIONS

RIGHT TO FARM ADVISORY COMMITTEE

WRITTEN SUBMISSIONS

The following organizations, individuals, and municipalities made written submissions to the Committee.

ORGANIZATIONS

1. Simcoe County Federation of Agriculture
2. Ontario Cattlemen's Association
3. Niagara North Federation of Agriculture
4. Wellington County Pork Producers
5. Lambton Federation of Agriculture
6. Southwest Ontario Women in Support of Agriculture
7. Bruce County Federation of Agriculture
8. Soya-Bean Growers Marketing Board
9. Flamborough Residents Against Severance Policies, F.R.A.S.P., Flamborough
10. Essex County Federation of Agriculture
11. Christian Farmers' Federation
12. Winchester Women for the Survival of Agriculture
13. Flowers Canada
14. Renfrew County Pork Producers
15. Ontario Pork Producers Marketing Board
16. Canadian Federation of Agriculture
17. Peterborough County Federation of Agriculture
18. Halton Milk Committee
19. La Femme et La Gestion de La Ferme

INDIVIDUALS

20. Noble Villeneuve, M.P.P., Stormont-Dundas-Glenngarry
21. James Slyfield, Bowmanville
22. N. Bullick, Camlachie
23. William Lannin, Dublin
24. Pat Hayes, M.P.P., Essex North
25. Hector Delanghe, Blenheim
26. G.E. White, Minesing
27. Jan Henry Dunnick, Waterdown
28. Stanley Burke, Fenwick
29. Jim McGuigan, M.P.P., Kent-Elgin
30. Darwin Kent, Langton
31. Bill Whaley, Wheatley
32. Isabel Legault, St. Albert
33. Mr. and Mrs. Gammie, Arris
34. Mr. and Mrs. Marten, St. Catherines
35. Harold Davidson, Shelburne
36. D.J. Logan, Burlington
37. W.F. Woodward, Cochrane
38. H.E. Bellman, Walkerton
39. Calvin Crago, Bowmanville
40. Wayne Caldwell, Goderich
41. Isabel Ireland, Mansfield
42. Charles B. Walker, Ottawa

43. George Corech, Smith Falls
44. Roy Nahuis, Tiny Township
45. John Ruddell, Caledon East
46. Mr. and Mrs. Harry Bell, Brampton
47. Gary Elliott, Brampton
48. John A. Green, Bellwood
49. D.F. Whitney, Brunner
50. W. Trick, Goderich Township
51. Robert G. Harvey, jr., Sundridge
52. Mr. and Mrs. Robert French, Parry Sound
53. Rodger Brimacombe, Sundridge
54. W.R. Watson, Mount Forest
55. Ron Nauta, Camlachie
56. Peter Lewington, Ilderton
57. R. Bruce Ryder, Simcoe
58. Calvin D. Campbell, Glencoe
59. Rosaire Rivait, Comber
60. James H. Murray, Harrow
61. Murray Stirling, Morpeth
62. Douglas Flook, Chatham
63. Gerald Doris, Peterborough County
64. Murray H. Henderson, Havelock
65. Maurice Bulman, Brighton
66. D. G. Kennedy, Thomasburg
67. Mrs. Wilson, Vankleek Hill
68. David Reid, Renfrew
69. Dean Taggart, Westport
70. Erwin A. Cavanagh, Perth
71. H.R. Mains, Ashton
72. Fred A. Healey, Smiths Falls
73. J.A. Hutton, Ingleside
74. John W. Bowes, Forester's Falls
75. C.F. de Deckere, jr., St. Thomas
76. Les Morgan, Barrie
77. Ronald McDonald, Providence Bay
78. Frank Pratten, Fenwick
79. Shirley McComb, Castleton
80. Warren Wiley, St. Catherines
81. Charles James, President of Lanark County Federation of Agriculture, Lanark
82. Peter Tops, Salford
83. Grant Ketcheson, Madoc
84. Ed Segsworth, Milton
85. Myron Angus, Port Stanley
86. Sylvia Weaver, Cayuga
87. Mr. and Mrs. James Evans, New Hamburg
88. Jim Rae, Stouffville
89. Gordon Thompson, Demorestville
90. Murray J. Harris, Milton
91. Dr. Frank Eady, Horicultural Research Station of Ontario, Vineland
92. Cecil and Nyhl Lane, Waterford

MUNICIPALITIES

93. Township of Vespra
94. Township of Essa
95. Townhsip of Adjala
96. Township of Mara
97. Town of Wasaga Beach
98. Township of Medonte
99. Town of Bradford
100. Town of Stayner
101. Township of Matchedash
102. Township of Nottawasaga
103. Town of Alliston
104. Township of Flos
105. Village of Elmvale
106. City of Orillia
107. Village of Beeton
108. Village of Cookstown
109. Village of Tottenham
110. Village of Victoria Harbour
111. Village of Coldwater
112. Township of East Hawkesbury
113. Village of Creemore
114. Regional Municipality of Niagara
115. Township of Wainfleet
116. Township of Erin
117. Township of Tilbury North
118. Village of Alfred
119. Township of South Plantagenet
120. Township of Burford
121. Township of Asphodel
122. Township of Tilbury West
123. Township of Dawn
124. Town of Haldimand
125. County of Huron
126. Township of Hallowell
127. Township of Cambridge
128. Town of Penatanguishene
129. Township of West Lincoln
130. Regional Municipality of Durham

This list may not include reference to all of the letters received dealing with Right to Farm issues. Some letters sent in on the proposed Foodland Preservation Policy Statement also contained comments on Right to Farm but are not enumerated here. In addition, some letters have been received since June 30th and are not listed.

APPENDIX 7

U.S. FARMLAND PROTECTION ACTIVITIES

CURRENT STATE FARMLAND PROTECTION ACTIVITIES

X Current Activities

• State and Local Activities Independent of Ag. Dept.

*Legislative equivalent

	Right to Farm Law	Tax Relief-Pref/Diff.	Purch. of Dev. Rights	Trans Dev. Rights	Ag Districting	Ag Zoning	Gov. Executive Order	Counties/Municipalities Working w/LESA	Important Farmland Maps: Statewide prime f.land maps pub.	Important Farmland Maps: County maps pub./in progress	Important Farmland Maps: Total counties in State
Alabama	X	X						0	•	43	67
Alaska		X						0		1	11
Arizona	X	X			X			6		8	14
Arkansas	X	X						3		13	75
California	X	X			•	•		3		40	58
Colorado	X	•				•		4	•	37	63
Connecticut	X	X	X	•			•	8	•	8	8
Delaware	•	•					X/*	6		3	3
Florida	X	X						66		16	67
Georgia	X	X					X	1	•	88	159
Hawaii	X	X			X	X		2		4	4
Idaho	X	X			X	•		3		20	44
Illinois	X	X			X	X	X/*	35	•	46	102
Indiana	•	•				•		3	•	44	92
Iowa	•	•			•	•		16		16	99
Kansas	•					•		14	•	22	105
Kentucky	•	•			X		X	5	•	32	120
Louisiana		•						3		16	64
Maine	X	X				•		16		8	16
Maryland	X	X	X	•	X	•	X	8		11	24
Massachusetts	X	X	X	•			•	10		8	14
Michigan	X	X				X		7	•	37	83
Minnesota	•	•			X	•	•	1		46	87
Mississippi	•	X						2	•	56	82
Missouri	X	X						20	•	4	115
Montana	X	X						5		23	56
Nebraska	•	•				•		6		13	93
Nevada		X						2		17	17
New Hampshire	X	X	X					5		6	10
New Jersey	X	X	X		X	•		24		14	21
New Mexico	X	•						9		21	33
New York	X	X	•	•	X			17	•	25	58
North Carolina	X	X					•	4	•	29	100
North Dakota	X	•				X		26	•	25	53
Ohio	•	•			X			6		10	88
Oklahoma	X	X						4	•	77	77
Oregon	X	X				X		7		10	36
Pennsylvania	X	X	•	•	X	•	X	11	•	39	67
Rhode Island	X	X	X					1		5	5
South Carolina	X	X						0		37	46
South Dakota		•				•		2		14	64
Tennessee	•	•						6		32	95
Texas	•	•						4	•	143	254
Utah	•	X				•		14		12	29
Vermont	X	X	•				X	2		6	14
Virginia	X	X			X		•	20		15	136
Washington	X	X	•		X	•	X	24		36	39
West Virginia	•	•	•					5		13	55
Wisconsin	X	X				X		4		25	72
Wyoming		X				•		4		2	23

RIGHT-TO-FARM LAWS Protect the farmer/rancher from certain legal actions against normally accepted farming practices.

TAX RELIEF-PREFERENTIAL/DIFFERENTIAL Allows farmland property to be assessed at its current ag use value rather than at its market value.

PURCHASE OF DEVELOPMENT RIGHTS (PDR) State and local govts. may purchase the development rights of farmland by paying the owner the difference between the market value and farm-use value of the land. Land owners retain all other property rights.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) Local jurisdictions designate "receiving" and "sending" areas. Developers in receiving areas can increase density of development by purchasing development rights from farmers whose property is located in the sending area. All transactions are handled privately.

AG DISTRICTING One or more farmers organize districts of ag land as legally recognized geographic areas. In exchange for keeping land in the district for a specified number of years, farmers receive benefits such as protection from annexation.

AG ZONING Approximately 300 jurisdictions use one of two types of programs: "Exclusive" or "Non-Exclusive" ag zoning. Both allow and restrict various activities within the zone.

GOVERNOR'S EXECUTIVE ORDER Governor's policy which usually declares the importance of agriculture to the state, addresses the rate of ag land loss, and orders state agencies to mitigate farmland converting activities.

LESA "Land Evaluation and Site Assessment" System designed to locally determine the quality of land for ag uses and to assess local sites for their ag economic viability. Source: SCS, 10/1/83

IMPORTANT FARMLAND MAPS Interpretation of county soil survey maps, based on "1977 USDA Land Use Policy" definitions. Maps not prepared for urbanized counties. Source: SCS State Conservationists, 12/31/83.

Feb., 1984

Source: NASDA Research Foundation Farmland Project
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